

PRODUCT: 6 100-pound bags of lima beans at Elmira, N. Y., in the possession of the Elmira Wholesale Grocery Co. The product had been stored under insanitary conditions after shipment. Some of the bags had been gnawed by rodents, and rodent excreta was found on and in the bags.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8762. Adulteration of celery. U. S. v. 470 Crates of Celery. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15334. Sample No. 22624-H.)

LIBEL FILED: February 17, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 7, 1945, by William S. Wright, from National City, Calif.

PRODUCT: 470 crates of celery at St. Louis, Mo.

LABEL, IN PART: "Salesmaker Selected Vegetables."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, arsenic, which might have rendered it injurious to health.

DISPOSITION: February 19, 1945. William S. Wright, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond to be brought into compliance with the law, or destroyed, under the supervision of the Food and Drug Administration. The product was subsequently destroyed.

8763. Misbranding of hominy grits. U. S. v. 148 Bales of Hominy Grits. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 15411. Sample No. 24188-H.)

LIBEL FILED: February 21, 1945, Southern District of Alabama.

ALLEGED SHIPMENT: On or about January 31, 1945, by the Meridian Grain & Elevator Co., from Meridian, Miss.

PRODUCT: 148 bales, each containing 12 bags, of hominy grits at Mobile, Ala. Examination showed that the article was short-weight.

LABEL, IN PART: (Bags) "2 Lbs. Net NunBetter Grits Degerminated Hominy Grits."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

8764. Misbranding of canned mushrooms. U. S. v. 16 Cases of Canned Mushrooms. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 15261. Sample Nos. 28501-H, 28502-H.)

LIBEL FILED: February 13, 1945, Western District of Washington.

ALLEGED SHIPMENT: October 13 and 30, 1944, by the West Mushroom Co., from Salem, Oreg.

PRODUCT: 16 cases, each containing 12 cans, of mushrooms at Seattle, Wash. Examination showed that both lots of mushrooms were short-weight and that the sliced mushrooms contained pieces and stems of mushrooms.

LABEL, IN PART: (Cans) "Shady Oak Fancy Sliced [or "Fancy Button"] Mushrooms, Net Drained Weight 8 Oz. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (a), (sliced mushrooms) the label statement "Fancy Sliced Mushrooms" was false and misleading as applied to the product, which consisted of a mixture of sliced mushrooms and pieces and stems of mushrooms; and, Section 403 (e) (2), (both lots) the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.